

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X
:
UNITED STATES OF AMERICA, :
:
-v- : 08cr1244 (DLC)
:
DAVID CHRISTIE, : ORDER
:
Defendant. :
:
----- X

DENISE COTE, District Judge:

On April 12, 2020 defendant David Christie ("Christie") submitted a request to the Unit Manager of the facility where he is incarcerated, Federal Correctional Institution Oakdale ("FCI Oakdale"), to be released to home confinement. On April 13, the facility denied Christie's request, citing the U.S. Immigration and Customs Enforcement detainer ("ICE Detainer") lodged against him. Under Bureau of Prisons ("BOP") regulations, an ICE Detainer renders an inmate ineligible for release to home confinement. See Fed. Bureau of Prisons, U.S. Dep't of Justice, Program Statement 7320.01 CN-2, Community Corrections Policy: Home Confinement (2017).

In a letter dated April 14, 2020, Christie, proceeding pro se, moved this Court for immediate release to home confinement due to the COVID-19 pandemic. 18 U.S.C. § 3624(c) vests the BOP with sole authority to release a sentenced inmate to home confinement. Insofar as Christie's motion seeks to be released

to home confinement pursuant to § 3624(c), the Court cannot grant it.

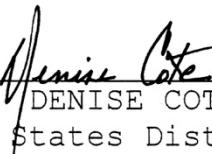
18 U.S.C. § 3582(c)(1)(A), however, permits a court to reduce or modify an inmate's sentence if it finds that "extraordinary and compelling reasons warrant such a reduction." If Christie wishes to petition for relief on that basis, he must make a request to his warden to have his sentence modified or reduced pursuant to 18 U.S.C. § 3582(c)(1)(A) and exhaust his administrative remedies. If that application were denied, and Christie exhausted his administrative remedies, he could then petition this Court for early release. Accordingly, it is hereby

ORDERED that the April 14 petition for release to home confinement is denied.

IT IS FURTHER ORDERED that the Clerk of Court is directed to mail a copy of this Order to Christie at FCI Oakdale.

SO ORDERED:

Dated: New York, New York
May 15, 2020



DENISE COTE
United States District Judge